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3 UNITED STATES DISTRICT COURT  
4 NORTHERN DISTRICT OF CALIFORNIA  
5 SAN JOSE DIVISION  
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7 UNITED STATES OF AMERICA,  
8 Plaintiff,  
9 v.  
10 ARLENE F. DIAMOND,  
11 Defendant.

Case No. [14-cr-00483-BLF-1](#)

**ORDER DENYING NOTICE  
SUMMARY JUDGMENT FOR LACK  
OF JURISDICTION AND STRIKING  
PORTION THEREOF**

[Re: ECF 15]

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13 The only operative motion recently before the Court was to terminate defendant Arlene  
14 Diamond's supervised release several months early. *See* ECF 3. The Court considered  
15 Diamond's motion, the Government's opposition, and the Probation Office's memorandum, and  
16 denied Diamond's request. ECF 11. Presently before the Court is a document denominated  
17 "Notice Summary Judgment for Lack of Jurisdiction as Void in Law and Void in Judgement  
18 [sic]." ECF 15. This document, however, cannot be construed as a motion for summary judgment  
19 as there are no claims pending before the Court.


20 To the extent Diamond intended this document to be a motion for leave to file a motion for  
21 reconsideration pursuant to Civil Local Rule 7-9, she has not satisfied the standard. *See* Civ. L.R.  
22 7-9(b) (a motion for reconsideration may be made on three grounds: (1) a material difference in  
23 fact or law exists from that which was presented to the court, which, in the exercise of reasonable  
24 diligence, the moving party did not know at the time of the order for which reconsideration is  
25 sought; (2) the emergence of new material facts or a change of law; or (3) a manifest failure by the  
26 court to consider material facts or dispositive legal arguments).

27 Finally, Diamond also states that because the Government has not rebutted any of her  
28 thirty-three statements enumerated in her "Administrative Notice / Affidavit of Truth," those

1 statements become “inconvertible proof and evidence that [the Government has] agreed with  
2 Affiant and DEFENDANT that no verifiable Jurisdiction exists.” ECF 15, at 6. Because this  
3 assertion has no basis in law, the Court STRIKES it. It shall have no force or effect. That the  
4 Government has not responded to Diamond’s thirty-three statements has no effect on this Court’s  
5 rulings, as there is no authority to support Diamond’s suggestion that the Government’s lack of  
6 engagement with her claims makes them true.

7 **IT IS SO ORDERED.**

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9 Dated: May 8, 2017

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11 BETH LABSON FREEMAN  
12 United States District Judge  
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